





May 15, 2006

WRITER'S DIRECT NUMBER: (202) 772-8805 INTERNET ADDRESS: VIDITHERE@SKOE COM

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Art Unit 1637 Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application

Application No. 10/534,689; § 371 Date: January 23, 2006

Absolute Quantitation of Nucleic Acids by RT-PCR Inventor: Normand E. ALLAIRE

Our Ref: 2159.0340001/EKS/VSR

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. First Supplemental Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(c);
- Form PTO/SB/08A, 1 page, listing 1 document (FP1);
- Form PTO/SB/08B, 1 page, listing 2 documents (NPL4 and NPL5);
- 4. A copy of the cited documents listed on Forms PTO/SB/08A and PTO/SB/08B; and
- One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents May 15, 2006 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Victor Skutford

Victoria S. Rutherford, Ph.D. Agent for Applicant Registration No. 52,253

VSR/nef Enclosures

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Normand E. ALLAIRE

Appl. No.: 10/534,689

§371 Date: January 23, 2006

For: Absolute Quantitation of Nucleic

Acids by RT-PCR

Confirmation No · 8249

Art Unit: 1637

Examiner: To Be Assigned

Atty. Docket: 2159.0340001/EKS/VSR

## First Supplemental Information Disclosure Statement Filing under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Forms PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on January 31. 2006, in connection with the above-captioned application.

Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 10/294,781, filed November 14, 2002, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

In accordance with 37 C.F.R. § 1.98(a)(3), Applicant's undersigned representative submits the following discussion of the relevance of the non-English language document cited on Form PTO/SB/08A:

Document FP1, RU 2 194 761 C2, which is cited as an "A" reference on the attached Georgian Search Report, is in the Russian language. An unverified English language abstract of document FP1 is attached as document NPL4.

Applicants have not been able to locate RU 99117594, which is also cited as an "A" reference on the attached Georgian Search Report. Therefore, a copy is not attached

A copy of the English translation of the Georgian Search Report for Georgian Application No. AP 2003 008842, National Centre of the Intellectual Property "Sakpatenti" of Georgia, dated February 13, 2006, is attached as document NPL5.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner review the prosecution and cited art in the parent application no. 10/294,781 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return copies of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Victor Sultry on Victoria S. Rutherford, Ph.D.
Agent for Applicant
Registration No. 52.253

Date: May 15, 2006

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## FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known			
Application Number	10/534,689	_	
§ 371 Date	January 23, 2006		
First Named Inventor	Normand E. ALLAIRE	_	
Art Unit	1637		
Examiner Name	To Be Assigned	_	
Attorney Docket Number	2159.0340001/EKS/VSR	_	

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number  Number-Kind Code <sup>2 (IF Known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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English language Translation is attached
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, prespecting, and submitting the completed application from the USPTO. Time will vary depending upon the individual case. Any comments on the anomation of thing you require to complete its form and/or suggestions for returning this burder, should be sent to the CHR information.
ADDRESS, SEND TO: Commissioner for Patients, P.O. Box 1459, Mayarding, VA 22313-1450.

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## FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449/PTO

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of

Complete if Known			
Application Number 10/534,689			
§ 371 Date	January 23, 2006		
First Named Inventor	Normand E. ALLAIRE		
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Examiner Name	To Be Assigned		
Attorney Docket Number	2159.0340001/EKS/VSR		

Non PATENT LITERATURE DOCUMENTS  Examiner   No.   Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of Initials*   No.   Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of Initials*   No.   Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of Initials*   No.   Initial				
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Signature		Considered	00.00.200

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 009. Draw line through citation if not in conformance and

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